



WASHINGTON BOARD OF ADJUSTMENT AGENDA  
Regular Scheduled Meeting  
Thursday, October 22, 2015  
7:00 PM

- I. Opening of the meeting
- II. Invocation
- III. Roll call
- IV. Old Business
  1. None
- V. New Business
  1. A request has been made by Mr. Patrick Griffin to appeal the decision of the Historic Preservation Commission that denied his application to replace the existing windows with vinyl windows and install 5/8" hardi-plank siding on the front façade of the structure located at 315-317 West 2nd Street. The appeal in is accordance with the Historic District Design Guidelines Chapter 1. Introduction to Design Guidelines, Section 1.5 Certificate of Appropriateness Process, **Appeals**.
  2. A request has been made by Mr. Patrick Griffin to appeal the decision of the Historic Preservation Commission that denied his application to replace the existing windows with vinyl windows and install 5/8" hardi-plank siding on the front façade of the structure located at 319 West 2nd Street. The appeal in is accordance with the Historic District Design Guidelines Chapter 1. Introduction to Design Guidelines, Section 1.5 Certificate of Appropriateness Process, **Appeals**.
- VI. Other Business
  1. None
- VII. Approval of Minutes
- VIII. Adjourn

New Business

Patrick Griffin Appeal

315-317 West 2<sup>nd</sup> Street



CITY OF WASHINGTON  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
PETITION TO APPEAL  
Board of Adjustment

Date 10-7-2015 Fee 300.00

Applicant Patrick C. Griffin

Address 414 Lodge Rd, Washington, NC 27889

Phone No. 252-946-7700

TO THE BOARD OF ADJUSTMENT:

I, Pat Griffin  
(name of applicant)

hereby appeal to the Board of Adjustment from the following decision of the Washington Historic Preservation Commission (G.S. 160A-400.9(e):

Denial for a Certificate of Appropriateness  
to replace existing windows and install 5/8"  
thick hardi-plank siding on the front  
facade.

The decision was made with respect to property located at

315 & 317 West 2nd Street, Washington, NC 27889.  
(street address)

Parcel Tax Card No. \_\_\_\_\_

I, Patrick C Griffin, hereby request an interpretation of  
(name of applicant)

- ☐ the zoning map
- ☐ the following section(s) of the text of the Zoning Ordinance:
- ☐ an aggrieved party

insofar as the map, the ordinance, or ruling relate to the use of the above-described property.

STATEMENT BY APPELLANT: (In the space below, present your interpretation of the ordinance provisions in questions and state what reasons you have for believing that interpretation is the correct one.)

That the Historic Preservation Commission  
has acted in an arbitrary and capricious  
manner.

(In addition, state what facts you are prepared to prove to the Board of Adjustment that should lead the Board to conclude that the decision of the Washington Historic Preservation Commission was erroneous.)

I will prove that actions of the Historic  
Preservation Commission have been inconsistent  
in their decisions.

**NOTE:** APPLICANTS, AND/OR THEIR AGENTS OR PARTIES OF INTEREST ARE PROHIBITED FROM ANY CONTACT IN RELATION TO THIS MATTER WITH THE BOARD OF ADJUSTMENT MEMBERS PRIOR TO THE PUBLIC HEARING.

I certify that all of the information presented by the undersigned in this application is accurate to the best of my knowledge, information and belief.

Respectfully submitted, this the 8<sup>th</sup> day of October, 2015.

FOR OFFICE USE ONLY

ACTION

- ☐ Received  
☐ Approved  
☐ Denied

DATE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Patricia Giff  
(signature of applicant)

NOTE: IF THE PERSON(S) WHO IS REQUESTING THE BOARD OF ADJUSTMENT TO TAKE ACTION ON A PARTICULAR PIECE OF PROPERTY IS NOT THE OWNER OF THE PROPERTY OR DOES NOT HAVE A BINDING OPTION TO PURCHASE THE PROPERTY, THEN THE ACTUAL OWNER OF THE LAND MUST COMPLETE THIS FORM. IF THE PERSON WHO IS REQUESTING THE BOARD OF ADJUSTMENT TO TAKE ACTION ON A PARTICULAR PIECE OF PROPERTY IS THE OWNER OF THE PROPERTY OR HAS A BINDING OPTION TO PURCHASE THE PROPERTY, PLEASE DISREGARD THIS FORM.

Dear Sir or Madam:

I am the owner of the property located at 315 and 317 West 2nd St Washington NC

I hereby authorize Patrick C Griffin to appear with my consent before the Washington Board of Adjustment in order to ask for a hearing to appeal from the decision of a Zoning Enforcement Officer of the Planning Department or the Washington Historic Preservation Commission with respect to the above described property. I authorize you to advertise and present this matter in my name as the owner of the property.

If there are any questions, you may contact me at my address, P.O. Box 1901, Greenville, NC

or by telephone at 252-916-0023

Respectfully yours,

James Baywell  
(owner)

Sworn to and subscribed before me, this the 7 day of October, 2015

Carrie Garcia  
(Notary Public)

My commission expires: 10/21/18



## PROPERTY OWNERS WITHIN 100 FEET

LIST THE ADJOINING PROPERTY OWNERS WITHIN 100 FEET OF THE PROPERTY IN QUESTION. (NOTE: WHERE THE PROPERTY IS BOUND BY A STREET, ALLEY, STREAM, OR SIMILAR BOUNDARY, THE LAND OWNER ACROSS SUCH BOUNDARY SHALL ALSO BE CONSIDERED AS AN ADJOINING LAND OWNER.)

TO FIND LISTINGS OF ADJOINING PROPERTY OWNERS, FOLLOW THESE STEPS:

**STEP 1.** Locate the subject property on the map in the City Planning Office and write down the entire parcel number. Be sure to write down the map number, section number, and individual parcel number, in that order. (Example: 5675-06-3291)

**STEP 2.** Go to the Beaufort County Land Records Office at 220 N. Market Street, show the attendant the parcel number, and ask the attendant to run off a map of the property that shows the adjacent property for at least 100 feet on all sides. The attendant can look up the owners names, parcel numbers, and addresses for the lots within 100 feet of the subject property, or show you how to find the information on the land records computer. (In Beaufort County Land Records, the parcel number is called the "alternate parcel number.")

**STEP 3.** Write down the name(s) of the owner of each of the adjacent lots within 100 feet, the parcel of the lot, and the owner's entire address. If no address is listed, make a note to that effect.

**PLEASE NOTE:** ACCURACY IS VERY IMPORTANT BECAUSE IF SOMEONE WITHIN 100 FEET OF THE PROPERTY IN QUESTION FAILS TO GET NOTIFIED, THE REQUEST MAY BE VOIDED EVEN IF THE BOARD VOTES IN YOUR FAVOR.

	<u>Name</u>	<u>Parcel Number</u>	<u>Address</u>
1.	See attached		
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13.			

**Adjacent Property Owners – 315 & 319 West 2<sup>nd</sup> Street**

Rivertowne Properties  
328 West Main Street  
Washington, NC 27889

Jeffrey Furst  
129 Van Norden Street  
Washington, NC 27889

David Harrison  
119 Van Norden Street  
Washington, NC 27889

City of Washington  
PO Box 1988  
Washington, NC 27889

Archie Jennings  
328 West Main Street  
Washington, NC 27889

Ronald Clark  
334 West Main Street  
Washington, NC 27889

First United Methodist Church  
304 West 2<sup>nd</sup> Street  
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Fred Larson  
316 West Main Street  
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**Mayor**  
Mac Hodges

**Interim City Manager**  
Bobby Roberson



**Washington City Council**  
Larry Beeman  
Richard Brooks  
Doug Mercer  
William Pitt

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October 15, 2015

**Subject:** Appeal – Historic Preservation Commission Decision

**Dear Adjoining Property Owner:**

The Department of Planning and Development has received a request from Mr. Patrick Griffin to appeal the decision of the Historic Preservation Commission that denied his application to replace the existing windows with vinyl windows and install 5/8" hardiplank siding on the front façade of the structure located at 315-317 and 319 West 2nd Street. The appeal is in accordance with the Historic District Design Guidelines Chapter 1. Introduction to Design Guidelines, Section 1.5 Certificate of Appropriateness Process, **Appeals**.

The Board of Adjustment will hold its public hearing on the appeal request at the following date and time:

**Date:** Thursday, October 22, 2015

**Place:** City Council Chambers - City Hall - Municipal Building, 102 East Second Street. Enter from the Market Street side of the building and go to the second floor.

**Time:** 7:00 P.M.

The public is welcome to attend this public hearing and present evidence either in support of or in opposition to the request.

During the meantime, should you have any questions, please feel free to call the Department of Planning and Development at 975-9317 during normal working hours Monday through Friday, 8:00 A.M. to 5:00 P.M.

Sincerely,

*John Rodman*

John Rodman  
Director of Planning and Development



New Business  
Patrick Griffin Appeal  
319 West 2<sup>nd</sup> Street



CITY OF WASHINGTON  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
PETITION TO APPEAL  
Board of Adjustment

Date 10-7-2015

Fee 300.00

Applicant Patrick C. Griffin

Address 414 Lodge Rd, Washington, NC 27889

Phone No. 252-946-7700

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(name of applicant)

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Denial for a Certificate of Appropriateness  
to replace existing windows and install 5/8"  
thick hardi-plank siding on the front  
facade.

The decision was made with respect to property located at

319 West 2nd Street, Washington, NC 27889.  
(street address)

Parcel Tax Card No. \_\_\_\_\_

I, Patrick C Griffin, hereby request an interpretation of  
(name of applicant)

- ☐ the zoning map  
☐ the following section(s) of the text of the Zoning Ordinance:  
☐ an aggrieved party

insofar as the map, the ordinance, or ruling relate to the use of the above-described property.

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I certify that all of the information presented by the undersigned in this application is accurate to the best of my knowledge, information and belief.

Respectfully submitted, this the 8<sup>th</sup> day of October, 2015.

**FOR OFFICE USE ONLY**

**ACTION**

- ☐ Received  
☐ Approved  
☐ Denied

**DATE**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Patricia Giff*  
(signature of applicant)

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Dear Sir or Madam:

I am the owner of the property located at 319 West 2nd Street, Washington

I hereby authorize Datrick C. Griffin to appear with my consent before the Washington Board of Adjustment in order to ask for a hearing to appeal from the decision of a Zoning Enforcement Officer of the Planning Department or the Washington Historic Preservation Commission with respect to the above described property. I authorize you to advertise and present this matter in my name as the owner of the property.

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Sincerely,

*John Rodman*

John Rodman  
Director of Planning and Development

**Patrick Griffin Appeal  
HPC Meeting 2-5-2013  
Meeting Agenda & Minutes**

**(Relevant Portions)**





WASHINGTON HISTORIC PRESERVATION COMMISSION  
Regular Scheduled Meeting - Agenda  
Tuesday, February 5, 2013  
7:00 PM

**I. Opening of the meeting**

**II. Invocation**

**III. Roll call**

**IV. Old Business**

1. None

**V. Major Works, Certificate of Appropriateness**

**A. Major Works**

1. A request has been made by Mr. Jerry Jennette for a Certificate of Appropriateness to: (1) add a wrought iron fence along the front of the property, (2) add a 14' x 30' wooden deck at the rear entrance, (3) add a 9' x 20' lean-to type carport off the existing workshop, and (4) construct a 12' x 16' utility building at the back of the property located at 722 West 2<sup>nd</sup> Street.
2. A request has been made by Mr. Jeffrey Brundage for a Certificate of Appropriateness to add a 9' x 20' carport attached to the existing garage at the property located at 726 West 2<sup>nd</sup> Street.
3. A request has been made by Mr. Pat Griffin for a Certificate of Appropriateness to replace the rotted and damaged wood siding with hardi-plank siding to match the existing siding on the structure located at 315-317-319 West 2<sup>nd</sup> Street. The front of the structure would remain as wood siding.
4. A request has been made by the City of Washington for a Certificate of Appropriateness to remove four Holly trees from the western side of the Civic Center Parking lot. The trees are causing damage to the adjacent house and its foundation.
5. A request has been made by the City of Washington for a Certificate of Appropriateness to remove a rotten and dilapidated accessory building in the rear yard of the property located at 312 East Water Street. The building is creating a hazard to the adjacent properties.

**B. Minor Works**

1. A request has been made and approved by staff for a Certificate of Appropriateness for Mr. Clyde Swanner Jr. to replace rotten siding with like material, repair the front porch and elements with like material, and repair roof and windows on the structure located at 731 West 2<sup>nd</sup> Street.

2. A request has been made and approved by staff for a Certificate of Appropriateness to Mr. Roger Meyland to replace the existing signs on the front and the rear of the structure located at 156 West Main Street.
3. A request has been made and approved by staff for a Certificate of Appropriateness for Ms. Dorothy Paetzell to replace the HVAC unit with a similar unit on the rear of the structure located at 617 East Main Street.
4. A request has been made and approved by staff for a Certificate of Appropriateness for Select Bank to add 2 flood lights at the rear of the structure located at 155 North market Street for security purposes.
5. A request has been made and approved by staff for a Certificate of Appropriateness for Ms. Rita Whitman to replace the existing gas furnace with a similar unit located at 103 South Charlotte Street.
6. A request has been made and approved by staff for a Certificate of Appropriateness for Rodman Properties to replace the existing flue pipes with per manufactured spec. on the structure located at 103 West Main Street.
7. A request has been made and approved by staff for a Certificate of Appropriateness for Mr. Clay Carter to remove the existing 8' x 8' rotten shed at the rear of the structure located at 325 East Main Street.

**VI. Other Business**

1. Demolitions

**VII. Approval of Minutes – December 4, 2012**

**VIII. Adjourn**

**Major Works**  
**Pat Griffin**  
**315-317 West 2<sup>nd</sup> Street**

# APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS

Historic Preservation Commission  
Washington, NC

To: Washington Historic Preservation Commission  
102 East 2nd Street  
Washington, NC 27889

Please use Black Ink

Street Address of Property: 317 W 2nd & 319 W 2nd

Historic Property/Name (if applicable): \_\_\_\_\_

Owner's Name: James F. Bagwell, Jr

Lot Size: See Attached feet by \_\_\_\_\_ feet.  
(width) Tax map (depth) 85x114x56x84x138x202

Brief Description of Work to be Done: Approx from Tax map.

Remove and replace, cut trees, ~~replace windows~~  
See Attached

I understand that all applications for a Certificate of Appropriateness that require review by the Historic Preservation Commission must be submitted by 5:00 p.m. on the 15th of the month prior to the meeting I wish to attend; otherwise consideration will be delayed until the following HPC meeting. An incomplete application will not be accepted. I understand approved requests are valid for one year.

Office Use Only	
(Date Received)	(Initials)
<b>ACTION</b>	
<input type="radio"/> Approved	_____
<input type="radio"/> Approved with Conditions	_____
<input type="radio"/> Denied	_____
<input type="radio"/> Withdrawn	_____
<input type="radio"/> Staff Approval	_____
(Date)	(Authorized Signature)

Patrick C. Griffin  
(Name of Applicant - type or print)

414 Lodge Rd, Wash, 27889  
(Mailing Address) (Zip Code)

1-30-13 252-946-7700  
(Date) (Daytime Phone Number)

Patrick C. Griffin  
(Signature of Applicant)

Upon being signed and dated below by the Planning Department or designee, this application becomes a Minor Works Certificate of Appropriateness. It is valid until \_\_\_\_\_. Issuance of a Minor Works Certificate shall not relieve the applicant, contractor, tenant, or property owner from obtaining any other permit required by City code or any law. Minor work projects not approved by staff will be forwarded to the Historic Preservation Commission for review at its next meeting.

\_\_\_\_\_  
(Minor Work Auth. Sig.) (Date)

**Applicant's presence or that of your authorized representative is required at the meeting of the Historic Preservation Commission at which the application is to be considered. You must give written permission to your authorized representative to attend the hearing on your behalf.**

## **Description of Work to be done. 317 and 319 West 2<sup>nd</sup> Street**

- 1. Remove and replace rotten wood siding with Hardie Plank on the three elevations of the houses which do not face W. 2<sup>nd</sup> Street. The existing siding is split and rotten and needs replacing. We would like to replace the wood with Hardie Plank to provide a long term solution to the maintenance of these properties. Hardie Plank It's a concrete, fiber combination product that is extremely durable to the elements with a 50 year warranty, a class A fire rating, and will not delaminate or rot and is impervious to termites. New wood needs repainting about every five to six years while Hardie Plank needs painting every 15 to 20 years. This product has previously been approved use on historic homes in the Historic District. The replacement of the siding would be done over several years as funds are available.**
- 2. There is a major problem 217 West 2<sup>nd</sup> Street caused by the Holly tree roots from the trees at the Civic Center growing under the foundation of the house which is causing the foundation to fail. Please approve the removal of the Holly trees.**



**ADDRESS:** 315 - 317 West 2nd Street  
**TAX PARCEL NUMBER:** 5675-78-5843  
**CONTRIBUTING:** Yes  
**CONTRIBUTING NUMBER:** 368      **NON-CONTRIBUTING NUMBER:**

**CURRENT OWNER:** James F Bagwell, Jr.

**FLOOD ZONE:** Yes

**SQUARE FOOTAGE OF STRUCTURE:** 2544

**WINDOW STYLE:** upstairs: 2/2      downstairs: same

**DOOR STYLE:**

**ROOF MATERIAL:** Asphalt Shingle

**DESCRIPTION:** 2 story early 20<sup>th</sup> century frame with 1920s type porch posts, hipped roof.

**OTHER FEATURES:** (i.e. fences, accessory building, etc.): Storage- 1 S FR 35 x 73, Storage- 1 S FR 68 x 66, Storage- 1 S FR 28 x 22



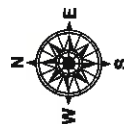
**Legend**

	City Limits
	COA
	parcels

VAN NORDEN ST

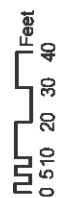
2ND ST

GLADDEN ST



**City of Washington**  
**Certificate of Appropriateness**  
**315-317 West 2nd Street**

1 inch = 55 feet







315-317 West 2<sup>nd</sup> Street



## REQUEST FOR COMMISSION ACTION

To: Historic Preservation Commission

From: John Rodman, Planning and Development

Re: 315-317 West 2nd Street – Replacement of Siding

A request has been made by Mr. Pat Griffin for a Certificate of Appropriateness to replace the deteriorated wood siding on the structure located at 315-317 West 2nd Street with hardi-board plank siding to match the existing structure. Please review the Design Guidelines, specifically Chapter 3.0 Changes to Existing Buildings Subsection 3.1 Exterior Walls & 3.2 Wood Materials.

To grant such a request, the Historic Preservation Commission must make findings of fact, which are included in the sample motions below. Any conditions the Commission feels appropriate may be attached to the motion.

### *Possible Actions*

I move that the Historic Preservation Commission grant a Certificate of Appropriateness to Mr. Pat Griffin to replace the deteriorated wood siding on the structure located at 315-317 West 2nd Street with hardi-board plank siding to match the existing structure. This motion is based on the following findings of fact: the application is congruous with the Historic Preservation Commission Design Guidelines, specifically Chapter 3.0 Existing Buildings Subsection 3.1 Exterior Walls & 3.2 Wood Materials.

*or*

I move that the Historic Preservation Commission grant a Certificate of Appropriateness to Mr. Pat Griffin to replace the deteriorated wood siding on the structure located at 315-317 West 2nd Street with hardi-board plank siding to match the existing structure. This motion is based on the following findings of fact: the application is congruous with the Historic Preservation Commission Design Guidelines, specifically Chapter 3.0 Existing Buildings Subsection 3.1 Exterior Walls & 3.2 Wood Materials. I further move that the Historic Preservation Commission place the following conditions on the approval:

*or*

I move that the Historic Preservation Commission deny a Certificate of Appropriateness to Mr. Pat Griffin to replace the deteriorated wood siding on the structure located at 315-317 West 2nd Street with hardi-board plank siding to match the existing structure. This motion is based on the following findings of fact: the application is not congruous with the Historic Preservation Commission Design Guidelines, specifically Chapter 3.0 Existing Buildings Subsection 3.1 Exterior Walls & 3.2 Wood Materials.

**WASHINGTON HISTORIC PRESERVATION COMMISSION**

**Regular Scheduled Meeting – Minutes**

**Tuesday, February 5, 2013**

**7:00 PM**

**Members Present**

Geraldine McKinley Judi Hickson  
Jerry Creech Ed Hodges  
Rebecca Clark

**Members Absent**

Victoria Radar

**Others Present**

John Rodman, Director of Community and Cultural Services  
Jessica Selby, Administrative Support

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**I. Opening of the meeting**

The Chairman called the meeting to order.

**II. Invocation**

A moment of silent prayer was taken.

**III. Roll Call**

Staff took a silent roll call.

**IV. Old Business**

1. None

**V. Major Works, Certificate of Appropriateness**

**A. Major Works**

1. A request has been made by Mr. Jerry Jennette for a Certificate of Appropriateness to: (1) add a wrought iron fence along the front of the property, (2) add a 14' x 30' wooden deck at the rear entrance, (3) add a 9'x 20' lean-to type carport off the existing workshop and (4) construct a 12'x16' utility building at the back of the property located at 722 West 2<sup>nd</sup> Street.

3. A request has been made by Mr. Pat Griffin for a Certificate of Appropriateness to replace the rotted and damaged wood siding with hardi-plank siding to match the existing siding on the structure located at 315-317 West 2<sup>nd</sup> Street. The front of the structure would remain as wood siding.

Pat Griffin came forward and was sworn in. He explained that they would like to replace the rotted and damaged wood on the house. He stated that they would like to use hardi-plank. Mr. Griffin stated that the hardi-plank is guaranteed for 15 years. He then explained the difference in cost between hardi-plank and cypress siding and the other pros of using hardi-plank instead of wood siding. Mr. Rodman came forward and explained that they had started replacing the wood siding on the house with wood but the material and siding they chose just didn't look good and did not match, so Mr. Rodman explained other options that the property owner had. Mr. Griffin spoke further about the current condition of the wooden siding. Rebecca Clark asked how much of the siding would be replaced. Mr. Griffin stated that they would like to replace 3 sides of the house, doing one side at a time and leaving the front of house with wooden siding. Ms. Clark asked if the hardi-plank would match the existing wooden siding. Mr. Griffin stated that they would match it as closely as they could.

The Chairman opened the floor. There being none coming forward the floor was closed.

The Commission discussed the request further. Ed Hodges stated that he hated to see another house going with hardi-plank. Judi Hickson stated that Mr. Griffin is trying to find an affordable way to repair the house and hardi-plank is economically feasible. She then stated that with the local environment they may have to come to the reality that people must use something other than wood. Judi Hickson stated that the wood siding is not what it used to be. Geraldine McKinley agreed with Ms. Hickson's comments. Ms. Clark stated that the Commission has gone back and forth on the hardi-plank issue in the past and there will be some recommendations for the new guidelines. She stated that she appreciated that Mr. Griffin was keeping the front façade wood, but she does find it distressing that more houses in the district are going with hardi-plank. She then cautioned the Commission that they need to make sure they are protecting the districts nation historic standing and they need to be careful with the hardi-plank they do allow.

Judi Hickson made the following motion: I move that the Historic Preservation Commission grant a Certificate of Appropriateness to Mr. Pat Griffin to replace the deteriorated wood siding on the structure located at 315-317 West 2<sup>nd</sup> Street with hardi-board plank siding to match the existing structure. This motion is based on the following findings of fact: the application is congruous with the Historic Preservation commission Design Guidelines, specifically Chapter 3.0 Existing Buildings Subsection 3.1 Exterior Walls & 3.2 Wood Materials. Her motion was seconded by Geraldine McKinley. The motion passed with a 3 to 2 vote with Ed Hodges and Rebecca Clark voting in opposition.

Patrick Griffin Appeal  
HPC Meeting 9-1-2015  
Meeting Agenda & Minutes  
315-315 West 2<sup>nd</sup> Street

(Relevant Portions)



## **WASHINGTON HISTORIC PRESERVATION COMMISSION**

**Regular Scheduled Meeting - Agenda**

**Tuesday, September 1, 2015**

**7:00 PM**

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- I. Opening of the meeting**
- II. Invocation**
- III. Roll call**
- IV. Old Business – Major Works**
- V. Certificate of Appropriateness**

### **A. Major Works**

- 1. A request has been made by Mr. Jim Wiley, acting as agent for Beacon Street, for a Certificate of Appropriateness to construct a new Moss Marina Office structure on lot #27. The building will be consistent and will match single family residences in the development.
- 2. A request has been made by Mr. Jim Wiley, acting as agent for Beacon Street, for a Certificate of Appropriateness to construct a new single family two-story family dwelling on Lot #32. The home will be consistent and will match single family residences in the development.
- 3. A request has been made by Mr. Jim Wiley, acting as agent for Beacon Street, for a Certificate of Appropriateness to construct a new single family two-story family dwelling on Lot #33. The home will be consistent and will match single family residences in the development.
- 4. A request has been made by Mr. Pat Griffin to replace the windows with vinyl windows and install 5/8" hardi-plank siding on the front façade of 315 West 2<sup>nd</sup> Street.
- 5. A request has been made by Mr. Pat Griffin to replace the windows with vinyl windows and install 5/8" hardi-plank siding on the front façade of 319 West 2<sup>nd</sup> Street.
- 6. A request has been made by Ms. Mary Elizabeth Haubenreiser, for a Certificate of Appropriateness to remove a pine tree on the south side of her property located on 118 South Academy Street. The tree's roots are breaking up the concrete driveway.

## **B. Minor Works**

1. A request has been made and approved by staff for a Certificate of Appropriateness for the owner of 519 E. Main Street (Mr. Thomp Litchfield) to exchange an old split heat pump with a new one. No duct work will be changed.
2. A request has been made and approved by staff for a Certificate of Appropriateness for the owner of 227 E. Second Street (Mr. Ambrose Buck Lewis) to repair the right side wall of their garage. A new block foundation will be laid and the wall will be repaired using appropriate materials to match the house.
3. A request has been made and approved by staff for a Certificate of Appropriateness for the owner of 109 Gladden Street (Mr. Jay Boyd) to install a condenser for the A/C unit.
4. A request has been made and approved by staff for a Certificate of Appropriateness for the owner of 412 W Main Street (Ms. Kimberly Lee) to make garage repairs using appropriate materials. Repairs include replacing shingles, replacing support beam in the center of the garage door opening with a new beam, window repair, replace cracked foundation of garage and driveway, and replace rotten siding.
5. A request has been made and approved by staff for a Certificate of Appropriateness for the owner of 239 W Main Street (Mr. Jim Fortescue) to exchange an old split heat pump with a new one. No duct work will be changed.
6. A request has been made and approved by staff for a Certificate of Appropriateness for the owner of 424 E Second Street (Mr. Joe Wilberscheil) to replace the HVAC unit.
7. A request has been made and approved by staff for a Certificate of Appropriateness for the owner of 127 E. Second Street (Mr. Don Stroud Jr.) to replace old shingles on the roof with new shingles. They will also be replacing the old rubber membrane on the widows walk with the same material.

## **VI. Other Business**

1. Moss Landing Landscape Design
2. Fence Design Guidelines

## **VII. Approval of Minutes – September 1, 2015**

## **VIII. Adjourn**

**315 West 2<sup>nd</sup>  
Street**

**The Use of Hardi-plank  
for Siding on the  
Front Façade**

**Replace windows with  
vinyl windows**

# Staff Report

## 315 West Second Street

The application for the property located at 315 West Second Street is requesting approval to install hardi-plank siding on the front façade of the structure and new vinyl windows. Hardi-plank is factory-primed fiber-cement lap siding available in a variety of styles and textures.

Chapter 3 Section 1 in the Design Guidelines discusses how wall type is one of the most distinguishing characteristics of historic buildings including materials, form, color, and architectural detailing. The application of engineered or synthetic siding hides or obscures that historic architectural detailing. The application of synthetic siding materials to historic structures is **prohibited** in Washington's historic district. Subsection 3.1.2 states that if an original wall feature must be replaced, the new feature should match the original in size, profile, material, and texture.

Chapter 3 Section 4 in the Design Guidelines discusses fenestrations and the importance of their preservation of a structure. Vinyl or substitute siding applied to a home can often obscure architectural details of a window surround. Retain and preserve historic windows. Any elements associated with historic windows and doors shall be retained and preserved including frames, trim, sashes, muntins, glass, lintels, shutters, and hardware. If replacement of a window or door unit is necessary, the new unit should be replaced to match the original in size, scale, material, detail, pane and/or panel configurations. Replacement of a multi-light window with a single-pane sash or replacing multi-sash windows with only one sash is prohibited.



## APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS

Historic Preservation Commission

Washington, NC

To: Washington Historic Preservation Commission  
102 East 2nd Street  
Washington, NC 27889

Please use Black Ink

Street Address of Property: 317 & 319 West 2nd Street

Historic Property/Name (if applicable): \_\_\_\_\_

Owner's Name: James F Bagwell

Lot Size: \_\_\_\_\_ feet by \_\_\_\_\_ feet.  
(width) (depth)

Brief Description of Work to be Done:

Replace windows with vinyl windows.Install 5/8 Hardie Plank on the street elevation

I understand that all applications for a Certificate of Appropriateness that require review by the Historic Preservation Commission must be submitted by 5:00 p.m. on the 15th of the month prior to the meeting I wish to attend; otherwise consideration will be delayed until the following HPC meeting. An incomplete application will not be accepted. I understand approved requests are valid for one year.

Office Use Only	
(Date Received)	(Initials)
<b>ACTION</b>	
<input type="radio"/> Approved	_____
<input type="radio"/> Approved with Conditions	_____
<input type="radio"/> Denied	_____
<input type="radio"/> Withdrawn	_____
<input type="radio"/> Staff Approval	_____
(Date)	(Authorized Signature)

Pat Griffin

(Name of Applicant - type or print)

414 Lodge Rd, Washington, NC 27889

(Mailing Address)

(Zip Code)

8/18/2015

(Date)

252-946-7700

(Daytime Phone Number)

Pat Griffin

(Signature of Applicant)

Upon being signed and dated below by the Planning Department or designee, this application becomes a Minor Works Certificate of Appropriateness. It is valid until \_\_\_\_\_. Issuance of a Minor Works Certificate shall not relieve the applicant, contractor, tenant, or property owner from obtaining any other permit required by City code or any law. Minor work projects not approved by staff will be forwarded to the Historic Preservation Commission for review at its next meeting.

(Minor Work Auth. Sig.)

(Date)

Applicant's presence or that of your authorized representative is required at the meeting of the Historic Preservation Commission at which the application is to be considered. You must give written permission to your authorized representative to attend the hearing on your behalf.

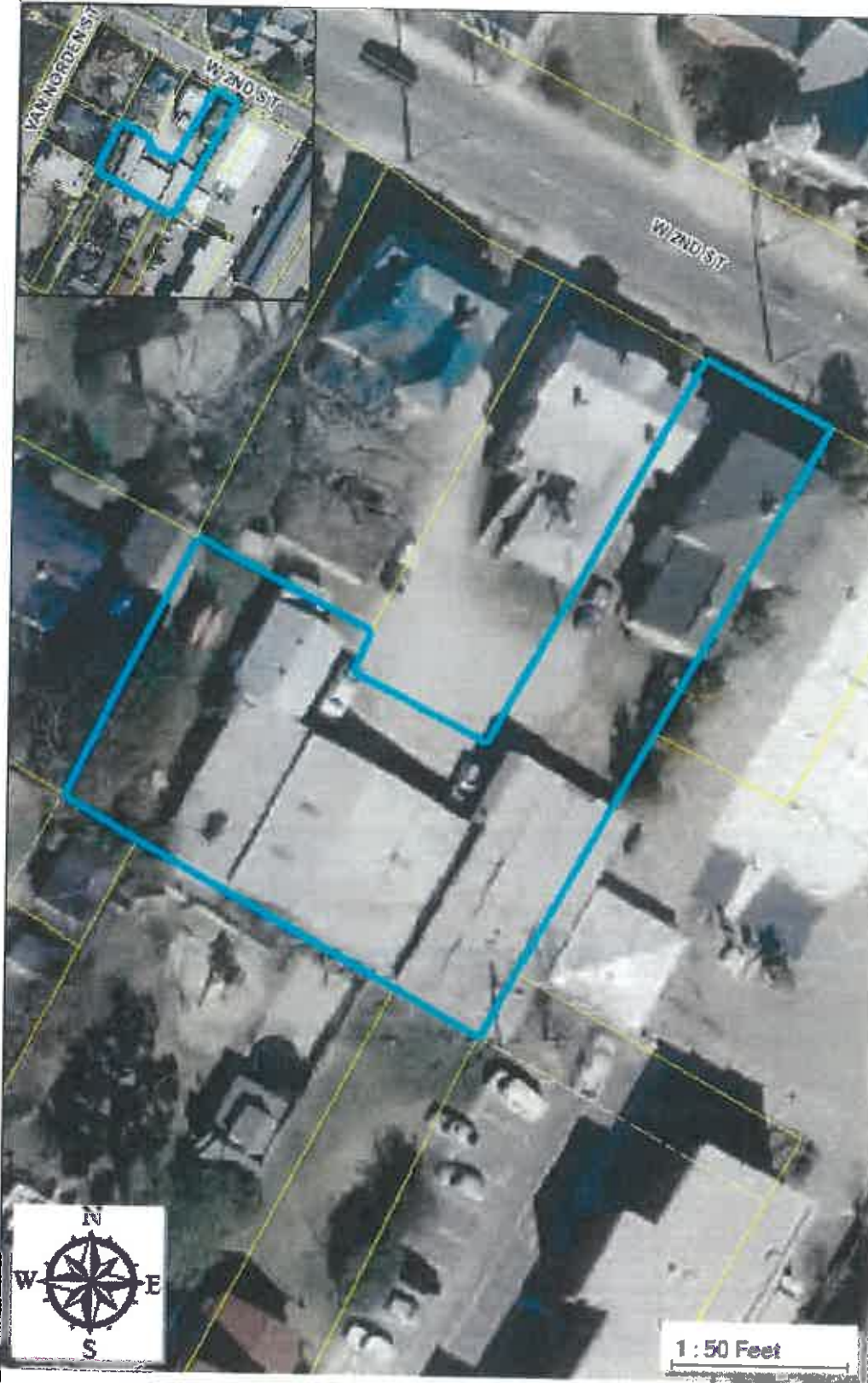
# Beaufort County Property Photos

**PIN: 01016718**

Photo: 01016718.jpg



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Parcels

Property Land Owners

Interior Tract Lines

Centerlines

County Line

County Line (Solid)

State

<b><u>OBJECTID</u></b>	<b><u>PIN</u></b>	<b><u>GPIN</u></b>
6644	01016718	5675-78-5843
<b><u>GPIN LONG</u></b>	<b><u>OWNER NAME</u></b>	<b><u>OWNER NAME2</u></b>
5675-78-5843	BAGWELL REALTY BEAUFORT LLC	
<b><u>MAILING ADDRESS</u></b>	<b><u>MAILING ADDRESS2</u></b>	<b><u>CITY</u></b>
P O BOX 1901		GREENVILLE
<b><u>STATE</u></b>	<b><u>ZIP</u></b>	<b><u>PROPERTY ADDRESS</u></b>
NC	27835	315 W 2ND ST
<b><u>ACRES</u></b>	<b><u>ACCT NBR</u></b>	<b><u>MAP SHEET</u></b>
0	867384	567508
<b><u>NBR BLDG</u></b>	<b><u>DATE</u></b>	<b><u>DEED BOOK and PAGE</u></b>
4	04/01/2004	1385/0941
<b><u>LAND VAL</u></b>	<b><u>BLDG VAL</u></b>	<b><u>DEFR VAL</u></b>
133400	88952	0
<b><u>TOT VAL</u></b>	<b><u>NBHD CDE</u></b>	<b><u>NBHD DESC</u></b>
222352	A1	ZONE1 AVERAGE
<b><u>SUB CDE</u></b>	<b><u>SUB DESC</u></b>	<b><u>STAMPS</u></b>
<b><u>SALE PRICE</u></b>	<b><u>ZONE</u></b>	<b><u>LAND USE</u></b>
	B1H	
<b><u>DISTRICT</u></b>	<b><u>PROP DESC</u></b>	<b><u>MBL</u></b>
1	1 LOT 315 WEST 2ND STREET & REAR LOT	567508457
		<b><u>EXEMPT AMT</u></b>
<b><u>ROAD TYPE</u></b>	<b><u>YR BUILT</u></b>	<b><u>SQ FT</u></b>
P	1900	3044
<b><u>NBR BED</u></b>	<b><u>NBR BATHS</u></b>	<b><u>EFF YR</u></b>
0	2	1960
<b><u>EXEMPT PROP</u></b>	<b><u>CENSUS BLOCK</u></b>	<b><u>FLOOD PLAIN</u></b>
<b><u>NBR STORIES</u></b>	<b><u>NBR HALF BATHS</u></b>	
3		

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**Adjacent Property Owners – 315 & 319 West 2<sup>nd</sup> Street**

Rivertowne Properties  
328 West Main Street  
Washington, NC 27889

Jeffrey Furst  
129 Van Norden Street  
Washington, NC 27889

David Harrison  
119 Van Norden Street  
Washington, NC 27889

City of Washington  
PO Box 1988  
Washington, NC 27889

Archie Jennings  
328 West Main Street  
Washington, NC 27889

Ronald Clark  
334 West Main Street  
Washington, NC 27889

First United Methodist Church  
304 West 2<sup>nd</sup> Street  
Washington, NC 27889

Fred Larson  
316 West Main Street  
Washington, NC 27889



**CITY OF WASHINGTON**  
**DOWNTOWN DEVELOPMENT □ HISTORIC PRESERVATION**

August 24, 2015

Subject: Certificate of Appropriateness – 315 & 319 West 2<sup>nd</sup> Street

Dear Adjoining Property Owner,

Whenever exterior renovation work is being conducted in the Washington Historic District, all property owners within 100 feet of the proposed construction activities are required to be notified by the City of Washington. According to the application submitted by Mr. Pat Griffin your property is located within 100 feet of the above subject property. A request has been made by Mr. Griffin for a Certificate of Appropriateness to replace the existing windows with vinyl windows and replace the wood siding on the front façade with hardi-plank siding to match the replaced siding on the structures located at 315 & 319 West 2<sup>nd</sup> Street.

You are welcome and encouraged to attend the regular scheduled meeting of the Washington Historic Commission. Please note the following date, time, and place:

Date: Tuesday, September 1, 2015

Place: City Hall - Municipal Building, 102 East Second Street. Enter from the Market Street side of the building and go to the second floor.

Time: 7:00 P.M.

During the meantime, should you have any questions, please direct your inquiries to Ms. Emily Rebert, Planning and Development by phoning 975-9383 during normal working hours Monday through Friday, 8:00 A.M. to 5:00 P.M.

Sincerely,

*Emily Rebert*

Emily Rebert, Preservation Planner  
Planning and Development



# REQUEST FOR COMMISSION ACTION

To: Historic Preservation Commission

From: Emily Rebert, Planning & Development

Re: 315 West 2<sup>nd</sup> Street- Replacement of siding and windows.

***A request has been made by Mr. Pat Griffin for a Certificate of Appropriateness to install hardi-plank siding and vinyl windows on the front façade of the structure at 315 West Second Street to match the existing structure.*** Please review the Design Guidelines, specifically Chapter 3.0 Changes to Existing Buildings, Subsection 3.1 Exterior Walls, 3.2 Wood Materials, and 3.4 Windows and Doors.

To grant such a request, the Historic Preservation Commission must make findings of fact, which are included in the sample motions below. Any conditions the Commission feels appropriate may be attached to the motion.

## Possible Actions

I move that the Historic Preservation Commission **grant a Certificate of Appropriateness** to Mr. Pat Griffin, to install hardi-plank siding and vinyl windows on the front façade of the structure at 315 West Second Street. This motion is based on the following findings of fact: the application is congruous with the Historic Preservation Commission Design Guidelines, specifically **Section 3.0 Existing Building Subsection, 3.1 Exterior Walls, 3.2 Wood Materials, and 3.4 Windows and Doors.**

Or

I move that the Historic Preservation Commission **grant a Certificate of Appropriateness** to Mr. Pat Griffin, to install hardi-plank siding and vinyl windows on the front façade of the structure at 315 West Second Street. This motion is based on the following findings of fact: the application is congruous with the Historic Preservation Commission Design Guidelines, specifically **Section 3.0 Existing Building Subsection, 3.1 Exterior Walls, 3.2 Wood Materials, and 3.4 Windows and Doors.** I further move that the Historic Preservation Commission **place the following conditions** on the approval:

Or

I move that the Historic Preservation Commission **deny a Certificate of Appropriateness** to Mr. Pat Griffin, to install hardi-plank siding and vinyl windows on the front façade of the structure at 315 West Second Street. This motion is based on the following findings of fact: the application is congruous with the Historic Preservation Commission Design Guidelines, specifically **Section 3.0 Existing Building Subsection, 3.1 Exterior Walls, 3.2 Wood Materials, and 3.4 Windows and Doors.**

**WASHINGTON HISTORIC PRESERVATION COMMISSION**

**Regular Scheduled Meeting – Minutes**

**Tuesday, September 1, 2015**

**7:00 PM**

**Members Present**

Mary Pat Musselman    Stacey Thalmann  
Geraldine McKinley    Ed Hodges  
Seth Shoneman        Judi Hickson  
Monica Ferrari

**Members Absent**

All members present

**Others Present**

John Rodman, Director  
Emily Rebert, Community Development Planner  
Jessica Green, Administrative Support

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**I. Opening of the meeting**

The Chairman called the meeting to order.

**II. Invocation**

A moment of silence was taken.

**III. Roll Call**

A silence roll call was taken by staff.

Judi Hickson made a motion to accept the agenda. Mary Pat Musselman seconded the motion and all voted in favor.

**IV. Old Business**

**V. Certificate of Appropriateness**

**A. Major Works**

1. A request has been made by Mr. Jim Wiley, acting as agent for Beacon Street, for a Certificate of Appropriateness to construct a new Moss Marina Office structure on lot # 27. The building will be consistent and will match single family residences in the development.

Preservation Commission Design Guidelines, specifically Section 5.0 New Construction Chapter 5.2 Residential Construction. Her motion was seconded by Mary Pat Musselman. All voted in favor and the motion carried.

3. A request has been made by Mr. Jim Wiley, acting as agent for Beacon Street, for a Certificate of Appropriateness to construct a new single family two-story family dwelling on Lot #33. The home will be consistent and will match single family residences in the development.

Mr. Wiley explained that this lot is located to the left of the park. He stated that this home is a two story residence and again all the details are historical in nature.

No one came forward to speak for or against.

Judi Hickson made the following motion: I move that the Historic Preservation Commission grant a Certificate of Appropriateness to Mr. Jim Wiley of Beacon Street Development to construct a new single family dwelling on the property located at Lot #33 Moss Landing Homes. This motion is based on the following findings of fact: the application is congruous with the Historic Preservation Commission Design Guidelines, specifically Section 5.0 New Construction Chapter 5.2 Residential Construction. Her motion was seconded by Mary Pat Musselman. All voted in favor and the motion carried.

4. A request has been made by Mr. Pat Griffin to replace the windows with vinyl windows and install 5/8" hardi-plank siding on the front façade of 315 West 2<sup>nd</sup> Street.

Mr. Pat Griffin came forward and was sworn in. Mr. Rodman explained that Mr. Griffin came before the Commission back in 2013 and that is when the original COA was approved. Mr. Rodman stated that the COA allowed hardi-plank on three sides of the building and allowed the windows to be replaced on those three sides, but the Commission requested that the front façade remain in the original state. Mr. Rodman stated that since then Mr. Griffin has decide to come back and not amend that application, but submit a new application requesting hardi-plank on the front of the structure and also change the windows on the front façade.

Mr. Griffin stated that hardi-plank is allowed in historic districts in other areas, one being New Orleans. He explained that it is allowed in all 13 historic districts in New Orleans as well as the French Quarter. He stated that it is also allowed in Huntsville Alabama. Mr. Griffin spoke about the advantages of allowing hardi-plank on homes in the historic district. He stated that he felt it was time for the Commission to look at some alternative materials. Mr. Griffin then spoke about the lack of growth of Washington and some of the hardships of living in the Historic District. He stated that it is time to make some changes. He stated that it will not look exactly like it did before, but sometimes exceptions are needed.

Mr. Rodman recommended that the Commission address the siding and the windows separately. Mr. Ed Hodges stated that he felt Mr. Griffin was missing the point. He stated that the point is not what it looks like, the point is what is historically appropriate. He explained that the Commission is interested in materials that are historically appropriate and not what it looks like. Mr. Hodges stated that he felt the Commission was very generous the first time Mr. Griffin appeared before them by allowing him to use hardi-plank on three sides of the house. Mr. Hodges stated that he felt Mr. Griffin has thumb his nose at the Commission by putting hardi-plank on the front and then having to take it down. Mr. Griffin stated that the siding put on the front was put up by mistake; they did not have the right material. He stated that the intent was to use the siding that was put up on the house that day. Mary Pat Musselman asked if the siding that was installed that day was hardi board or clap board. Mr. Griffin stated that it was hardi board. Mr. Griffin stated that it is identical and the only difference is that it is cement instead of wood. Ms. Musselman stated that the hardi board went against what the Commission requested. Mr. Rodman stated that Mr. Griffin's intent that day was to just put up a couple of boards on the front of the house so the Commission could go by and see what they thought of it, with the understanding that if it is not approved then it would have to be taken down. Ms. Musselman stated that the bottom line was that the Commission has never given Mr. Griffin permission to put hardi board on the front side of those houses, whether it looks good or not. She stated that the Commission requested that Mr. Griffin keep the original clap board that was there or replace it with like clap board.

Mr. Griffin stated that the Commission wants to allow aluminum fencing in the district, but that currently wasn't available in 1920 or before. He stated that the Commission is telling him he cannot use a material because it isn't original yet they are using non original materials all over the historic district. Mr. Hodges stated that in the fence discussion they are not talking about replacing historic materials with aluminum. He stated that they are talking about a fence, not replacing an entire front façade of a house. Mr. Hodges stated that it was two entirely different things.

Seth Shoneman pointed out the fact that the house already has three sides of hardi plank and new windows and so if he puts up wood on the front it will be inconsistent. He stated that he understands that the wood siding would be historically accurate but it seems inconsistent with what was approved for the rest of the house. Mr. Shoneman stated that the Commission approves hardi plank in other locations. Mr. Hodges stated that the Commission was trying to help Mr. Griffin by allowing the hardi plank on the three sides, but they were also trying to preserve the street scape by asking him to keep the front original. Mr. Griffin stated that if they put wood back up on the front of the house in five years it will need to be painted again. Mr. Griffin stated that he understood where the Commission was coming from but if they think public opinion is on their side they are mistaken. Mr. Griffin stated that he had received numerous calls talking about how nice the hardi board looks. Mr. Ed Hodges stated that Mr. Griffin was still missing the point. He explained that the Commission is not saying that it doesn't look nice; he is the first one to say the other three sides look better, but it is not historically

appropriate. Mr. Griffin stated that when a family has owned a house for 99 years that it is a tough pill to swallow when someone comes along and says you can't do what they want with your own house. Stacey Thalmann stated that the point of the historic guidelines is to preserve original materials. Mr. Griffin stated that if other places in the country are allowing this material than Washington should. Stacey Thalmann stated that Washington is not other places in the country. Mr. Griffin asked if Washington's historic district is more significant than New Orleans and Charleston. Mary Pat Musselman stated that they would like to think so. She stated that Washington has a very nice historic district and she doesn't feel that Washington can be compared to other historic districts because they have their own guidelines to follow. Ms. Musselman stated that these happen to be Washington's guidelines.

Mr. Hodges suggested that they move on to the window request. Mr. Griffin explained that they are vinyl windows. He stated that the Commission has approved vinyl windows numerous times on front facades. The Commission discussed the request and Mr. Ed Hodges stated that the Commission had approved vinyl windows in the past.

The Chairman opened the floor.

Dee Congleton came forward and was sworn in. Ms. Congleton quoted the National Parks Services Bulletins concerning siding being used on house in historic districts: "applications of substitute materials can result in the loss of a buildings historic character. All means of repairing or replacing with identical materials should be examined before ever approving any kind of substitute." Ms. Congleton stated that two years ago John Wood with the State Preservation Office came over and did a workshop concerning various elements, windows, doors, siding and she wrote down his comments concerning siding. Ms. Congleton explained that Mr. Wood stated that he does not recommend hardi-plank on old houses, Mr. Wood stated that you should always restore with like materials. Regarding the statements Mr. Griffin made about Edenton or New Bern, Ms. Congleton explained that New Bern does not allow hardi board on the front or on the side of homes if it is visible. She stated that hardi board can be used here and there but not on whole sections of a house. She stated that the Commission needs to consider the fact that Mr. Griffin should not be using hardi-plank and the Commission has been all too generous in allowing the three sides to have hardi board. She stated that his application should be denied.

Don Stroud, president of the Washington Area Historic Foundation, came forward. Mr. Stroud stated that he was a previous member of the Commission and Mr. Griffin came before them 10 or 15 years ago with a similar request and it was denied at that time. Mr. Stroud explained that back then the Commission would not allow hardi board/plank to be put anywhere. He stated that he questions whether or not it was a good idea to open up this Pandora's Box but it is open now and see where it has gotten them. He stated that they are now at the point where the only thing left to preserve is the streetscape. Mr. Stroud stated that Ms. Congleton has one of the most historically significant homes in the City and now there is nothing that can prevent her

from striping all her wooden siding on all three sides and replacing it with hardi plank. Mr. Stroud stated that the historic district is one of the main economic engines of this community and people do not come here to see the homes covered in hardi plank. Mr. Stroud stated that he did not want the Commission to think that he is a hypocrite because his house has aluminum siding on it. He stated that his house never should have had siding on it. He stated that when he bought the house it was his intent to remove the aluminum siding and restore the wood. He stated that the siding did exactly what the National Park Services tells us, it deteriorates what is beneath it so he had to put the siding back. Mr. Stroud explained that his intent now and has always been to remove that aluminum siding and replace it with wood. Mr. Stroud stated that there is appropriate wood siding that can be bought, you have to pay for it, but there is plenty of it. He stated that the question is if the Commission is going to be able to preserve the streetscape side of the historic homes. He asked the Commission to deny the request.

Jerry Creech came forward and was sworn in. He stated that he is present to also speak against Mr. Griffin's request for the hardi-plank. Mr. Creech stated that it is very important to preserve the streetscape of a house located in the historic district. He stated that recently he had to replace six planks on his house, which is an 1893 house, and he had no objections to going down to Builders First Source. Mr. Creech stated that there is an ample supply there. He applauded the Commission for sticking to their guns and stated that he felt it would be a disservice if the Commission allowed the hardi plank on the front façade. He stated that the front façade should be preserved.

With no others coming forward the Chairman closed the floor.

The Commission discussed the request amongst themselves. Stacey Thalmann stated that she was not on the Commission when the first request was approved and she has a problem with allowing the hardi plank. She asked if she could abstain from the voting. Mr. Rodman stated that she could abstain if she would like, but any none vote goes into the affirmative vote.

Mary Pat Musselman made the following motion: I move that the Historic Preservation Commission deny a Certificate of Appropriateness to Mr. Pat Griffin, to install hardi-plank siding and vinyl windows on the front façade of the structure at 315 West Second Street. This motion is based on the following findings of fact: the application is congruous with the Historic Preservation Commission Design Guidelines, specifically Section 3.0 Existing Building Subsection, 3.1 Exterior Walls, 3.2 Wood Materials, and 3.4 Windows and Doors. Judi Hickson seconded the motion. The Commission discussed amending the motion to allow the vinyl windows. Mary Pat Musselman stated that she did not wish to amend her motion. The motion carried with a 5 to 2 vote with Geraldine McKinley and Seth Shoneman voting in opposition.

5. A request has been made by Pat Griffin to replace the windows with vinyl windows and install 5/8" hardi-plank siding on the front façade of 319 West 2<sup>nd</sup> Street.

Patrick Griffin Appeal  
HPC Meeting 9-1-2015  
Meeting Agenda & Minutes  
319 West 2<sup>nd</sup> Street

(Relevant Portions)



## **WASHINGTON HISTORIC PRESERVATION COMMISSION**

Regular Scheduled Meeting - Agenda

Tuesday, September 1, 2015

7:00 PM

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- I. Opening of the meeting**
- II. Invocation**
- III. Roll call**
- IV. Old Business – Major Works**
- V. Certificate of Appropriateness**

### **A. Major Works**

- 1. A request has been made by Mr. Jim Wiley, acting as agent for Beacon Street, for a Certificate of Appropriateness to construct a new Moss Marina Office structure on lot #27. The building will be consistent and will match single family residences in the development.
- 2. A request has been made by Mr. Jim Wiley, acting as agent for Beacon Street, for a Certificate of Appropriateness to construct a new single family two-story family dwelling on Lot #32. The home will be consistent and will match single family residences in the development.
- 3. A request has been made by Mr. Jim Wiley, acting as agent for Beacon Street, for a Certificate of Appropriateness to construct a new single family two-story family dwelling on Lot #33. The home will be consistent and will match single family residences in the development.
- 4. A request has been made by Mr. Pat Griffin to replace the windows with vinyl windows and install 5/8" hardi-plank siding on the front façade of 315 West 2<sup>nd</sup> Street.
- 5. A request has been made by Mr. Pat Griffin to replace the windows with vinyl windows and install 5/8" hardi-plank siding on the front façade of 319 West 2<sup>nd</sup> Street.
- 6. A request has been made by Ms. Mary Elizabeth Haubenreiser, for a Certificate of Appropriateness to remove a pine tree on the south side of her property located on 118 South Academy Street. The tree's roots are breaking up the concrete driveway.



## **B. Minor Works**

1. A request has been made and approved by staff for a Certificate of Appropriateness for the owner of 519 E. Main Street (Mr. Thomp Litchfield) to exchange an old split heat pump with a new one. No duct work will be changed.
2. A request has been made and approved by staff for a Certificate of Appropriateness for the owner of 227 E. Second Street (Mr. Ambrose Buck Lewis) to repair the right side wall of their garage. A new block foundation will be laid and the wall will be repaired using appropriate materials to match the house.
3. A request has been made and approved by staff for a Certificate of Appropriateness for the owner of 109 Gladden Street (Mr. Jay Boyd) to install a condenser for the A/C unit.
4. A request has been made and approved by staff for a Certificate of Appropriateness for the owner of 412 W Main Street (Ms. Kimberly Lee) to make garage repairs using appropriate materials. Repairs include replacing shingles, replacing support beam in the center of the garage door opening with a new beam, window repair, replace cracked foundation of garage and driveway, and replace rotten siding.
5. A request has been made and approved by staff for a Certificate of Appropriateness for the owner of 239 W Main Street (Mr. Jim Fortescue) to exchange an old split heat pump with a new one. No duct work will be changed.
6. A request has been made and approved by staff for a Certificate of Appropriateness for the owner of 424 E Second Street (Mr. Joe Wilberscheil) to replace the HVAC unit.
7. A request has been made and approved by staff for a Certificate of Appropriateness for the owner of 127 E. Second Street (Mr. Don Stroud Jr.) to replace old shingles on the roof with new shingles. They will also be replacing the old rubber membrane on the widows walk with the same material.

## **VI. Other Business**

1. Moss Landing Landscape Design
2. Fence Design Guidelines

## **VII. Approval of Minutes – September 1, 2015**

## **VIII. Adjourn**

**319 West 2<sup>nd</sup>  
Street**

**The Use of Hardi-plank  
for Siding on the  
Front Façade**

**Replace windows with  
vinyl windows**

# Staff Report

## 319 West Second Street

The application for the property located at 319 West Second Street is requesting approval to install hardi-plank siding on the front façade of the structure and new vinyl windows. Hardi-plank is factory-primed fiber-cement lap siding available in a variety of styles and textures.

Chapter 3 Section 1 in the Design Guidelines discusses how wall type is one of the most distinguishing characteristics of historic buildings including materials, form, color, and architectural detailing. The application of engineered or synthetic siding hides or obscures that historic architectural detailing. The application of synthetic siding materials to historic structures is **prohibited** in Washington's historic district. Subsection 3.1.2 states that if an original wall feature must be replaced, the new feature should match the original in size, profile, material, and texture.

Chapter 3 Section 4 in the Design Guidelines discusses fenestrations and the importance of their preservation of a structure. Vinyl or substitute siding applied to a home can often obscure architectural details of a window surround. Retain and preserve historic windows. Any elements associated with historic windows and doors shall be retained and preserved including frames, trim, sashes, muntins, glass, lintels, shutters, and hardware. If replacement of a window or door unit is necessary, the new unit should be replaced to match the original in size, scale, material, detail, pane and/or panel configurations. Replacement of a multi-light window with a single-pane sash or replacing multi-sash windows with only one sash is prohibited.

# APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS

Historic Preservation Commission

Washington, NC

To: Washington Historic Preservation Commission  
102 East 2nd Street  
Washington, NC 27889

Please use Black Ink

Street Address of Property: 317 & 319 West 2nd Street

Historic Property/Name (if applicable): \_\_\_\_\_

Owner's Name: James F Bagwell

Lot Size: \_\_\_\_\_ feet by \_\_\_\_\_ feet.  
(width) (depth)

Brief Description of Work to be Done:

Replace windows with vinyl windows.

Install 5/8 Hardie Plank on the street elevation

I understand that all applications for a Certificate of Appropriateness that require review by the Historic Preservation Commission must be submitted by 5:00 p.m. on the 15th of the month prior to the meeting I wish to attend; otherwise consideration will be delayed until the following HPC meeting. An incomplete application will not be accepted. I understand approved requests are valid for one year.

Office Use Only	
(Date Received)	(Initials)
<b>ACTION</b>	
<input type="radio"/> Approved	_____
<input type="radio"/> Approved with Conditions	_____
<input type="radio"/> Denied	_____
<input type="radio"/> Withdrawn	_____
<input type="radio"/> Staff Approval	_____
(Date)	(Authorized Signature)

Pat Griffin

(Name of Applicant - type or print)

414 Lodge Rd, Washington, NC 27889

(Mailing Address)

(Zip Code)

8/18/2015

(Date)

252-946-7700

(Daytime Phone Number)

Pat Griffin

(Signature of Applicant)

Upon being signed and dated below by the Planning Department or designee, this application becomes a Minor Works Certificate of Appropriateness. It is valid until \_\_\_\_\_. Issuance of a Minor Works Certificate shall not relieve the applicant, contractor, tenant, or property owner from obtaining any other permit required by City code or any law. Minor work projects not approved by staff will be forwarded to the Historic Preservation Commission for review at its next meeting.

\_\_\_\_\_  
(Minor Work Auth. Sig.)

\_\_\_\_\_  
(Date)

Applicant's presence or that of your authorized representative is required at the meeting of the Historic Preservation Commission at which the application is to be considered. You must give written permission to your authorized representative to attend the hearing on your behalf.

# Beaufort County Property Photos

**PIN: 01016717**

Photo: 01016717.jpg



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**Parcels**

Property Land Owners

Interior Tract Lines

Centerlines

County Line

County Line (Solid)

State

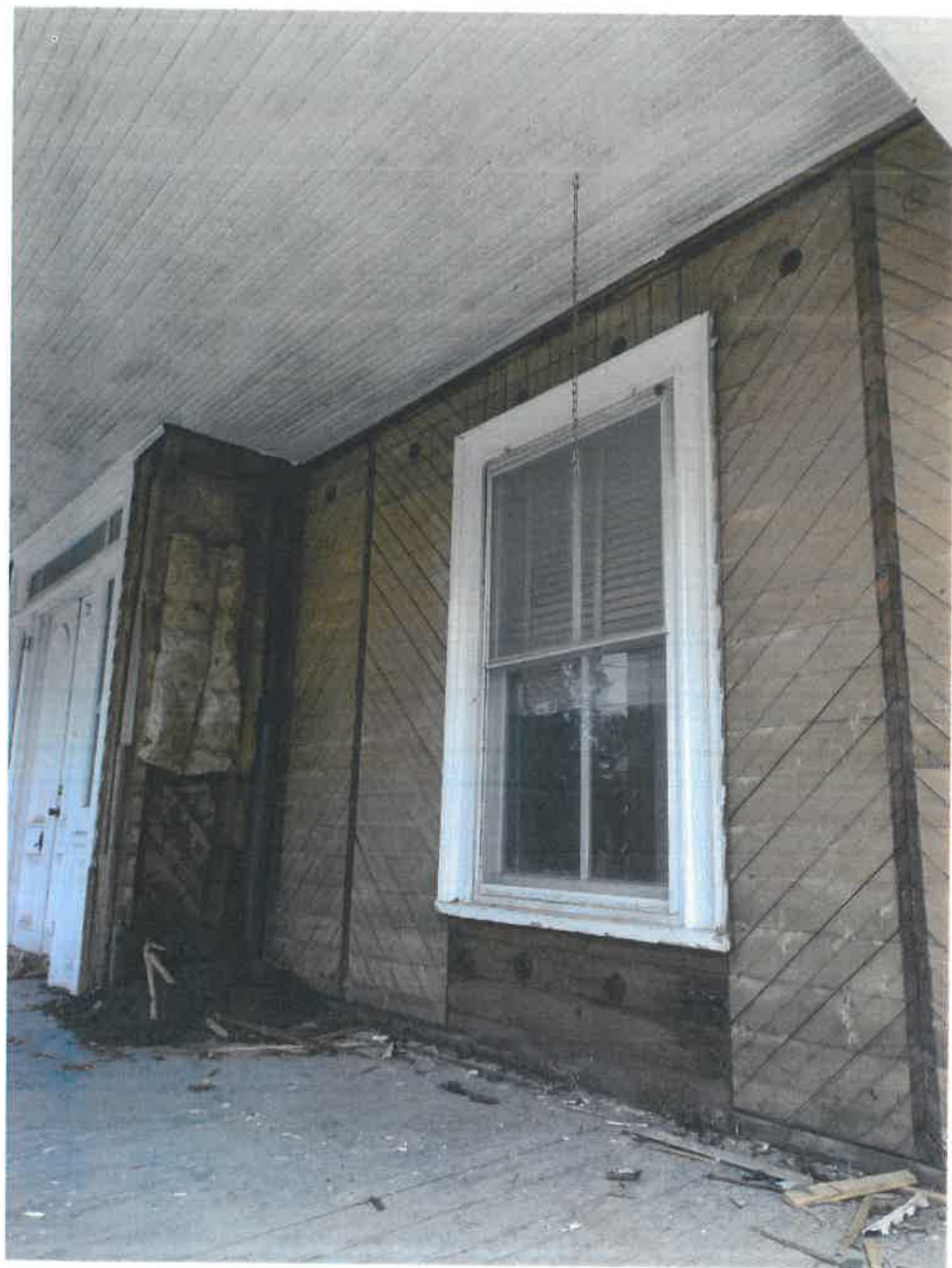
<b><u>OBJECTID</u></b>	<b><u>PIN</u></b>	<b><u>GPIN</u></b>
6643	01016717	5675-78-5828
<b><u>GPIN LONG</u></b>	<b><u>OWNER NAME</u></b>	<b><u>OWNER NAME2</u></b>
5675-78-5828	BAGWELL REALTY BEAUFORT LLC	
<b><u>MAILING ADDRESS</u></b>	<b><u>MAILING ADDRESS2</u></b>	<b><u>CITY</u></b>
P O BOX 1901		GREENVILLE
<b><u>STATE</u></b>	<b><u>ZIP</u></b>	<b><u>PROPERTY ADDRESS</u></b>
NC	27835	319 W 2ND ST
<b><u>ACRES</u></b>	<b><u>ACCT NBR</u></b>	<b><u>MAP SHEET</u></b>
0	867384	567508
<b><u>NBR BLDG</u></b>	<b><u>DATE</u></b>	<b><u>DEED BOOK and PAGE</u></b>
1	04/01/2004	1385/0941
<b><u>LAND VAL</u></b>	<b><u>BLDG VAL</u></b>	<b><u>DEFR VAL</u></b>
65790	102001	0
<b><u>TOT VAL</u></b>	<b><u>NBHD CDE</u></b>	<b><u>NBHD DESC</u></b>
167791	A1	ZONE1 AVERAGE
<b><u>SUB CDE</u></b>	<b><u>SUB DESC</u></b>	<b><u>STAMPS</u></b>
<b><u>SALE PRICE</u></b>	<b><u>ZONE</u></b>	<b><u>LAND USE</u></b>
	B1H	
<b><u>DISTRICT</u></b>	<b><u>PROP DESC</u></b>	<b><u>MBL</u></b>
1	1 LOT 319 WEST 2ND STREET	567508456
<b><u>EXEMPT AMT</u></b>	<b><u>ROAD TYPE</u></b>	<b><u>YR BUILT</u></b>
	P	1860
<b><u>SQ FT</u></b>	<b><u>NBR BED</u></b>	<b><u>NBR BATHS</u></b>
3324	0	2
<b><u>EFF YR</u></b>	<b><u>EXEMPT PROP</u></b>	<b><u>CENSUS BLOCK</u></b>
1962		
<b><u>FLOOD PLAIN</u></b>	<b><u>NBR STORIES</u></b>	<b><u>NBR HALF BATHS</u></b>
	3	0

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**CITY OF WASHINGTON**  
**DOWNTOWN DEVELOPMENT □ HISTORIC PRESERVATION**

August 24, 2015

Subject: Certificate of Appropriateness – 315 & 319 West 2<sup>nd</sup> Street

Dear Adjoining Property Owner,

Whenever exterior renovation work is being conducted in the Washington Historic District, all property owners within 100 feet of the proposed construction activities are required to be notified by the City of Washington. According to the application submitted by Mr. Pat Griffin your property is located within 100 feet of the above subject property. A request has been made by Mr. Griffin for a Certificate of Appropriateness to replace the existing windows with vinyl windows and replace the wood siding on the front façade with hardi-plank siding to match the replaced siding on the structures located at 315 & 319 West 2<sup>nd</sup> Street.

You are welcome and encouraged to attend the regular scheduled meeting of the Washington Historic Commission. Please note the following date, time, and place:

Date: Tuesday, September 1, 2015

Place: City Hall - Municipal Building, 102 East Second Street. Enter from the Market Street side of the building and go to the second floor.

Time: 7:00 P.M.

During the meantime, should you have any questions, please direct your inquiries to Ms. Emily Rebert, Planning and Development by phoning 975-9383 during normal working hours Monday through Friday, 8:00 A.M. to 5:00 P.M.

Sincerely,

*Emily Rebert*

Emily Rebert, Preservation Planner  
Planning and Development

**Adjacent Property Owners – 315 & 319 West 2<sup>nd</sup> Street**

Rivertowne Properties  
328 West Main Street  
Washington, NC 27889

Jeffrey Furst  
129 Van Norden Street  
Washington, NC 27889

David Harrison  
119 Van Norden Street  
Washington, NC 27889

City of Washington  
PO Box 1988  
Washington, NC 27889

Archie Jennings  
328 West Main Street  
Washington, NC 27889

Ronald Clark  
334 West Main Street  
Washington, NC 27889

First United Methodist Church  
304 West 2<sup>nd</sup> Street  
Washington, NC 27889

Fred Larson  
316 West Main Street  
Washington, NC 27889



# REQUEST FOR COMMISSION ACTION

To: Historic Preservation Commission

From: Emily Rebert, Planning & Development

Re: 319 West 2<sup>nd</sup> Street- Replacement of siding and windows.

***A request has been made by Mr. Pat Griffin for a Certificate of Appropriateness to install hardi-plank siding and vinyl windows on the front façade of the structure at 319 West Second Street to match the existing structure.*** Please review the Design Guidelines, specifically Chapter 3.0 Changes to Existing Buildings, Subsection 3.1 Exterior Walls, 3.2 Wood Materials, and 3.4 Windows and Doors.

To grant such a request, the Historic Preservation Commission must make findings of fact, which are included in the sample motions below. Any conditions the Commission feels appropriate may be attached to the motion.

## Possible Actions

I move that the Historic Preservation Commission **grant a Certificate of Appropriateness** to Mr. Pat Griffin, to install hardi-plank siding and vinyl windows on the front façade of the structure at 319 West Second Street. This motion is based on the following findings of fact: the application is congruous with the Historic Preservation Commission Design Guidelines, specifically **Section 3.0 Existing Building Subsection, 3.1 Exterior Walls, 3.2 Wood Materials, and 3.4 Windows and Doors.**

Or

I move that the Historic Preservation Commission **grant a Certificate of Appropriateness** to Mr. Pat Griffin, to install hardi-plank siding and vinyl windows on the front façade of the structure at 319 West Second Street. This motion is based on the following findings of fact: the application is congruous with the Historic Preservation Commission Design Guidelines, specifically **Section 3.0 Existing Building Subsection, 3.1 Exterior Walls, 3.2 Wood Materials, and 3.4 Windows and Doors.** I further move that the Historic Preservation Commission **place the following conditions** on the approval:

Or

I move that the Historic Preservation Commission **deny a Certificate of Appropriateness** to Mr. Pat Griffin, to install hardi-plank siding and vinyl windows on the front façade of the structure at 319 West Second Street. This motion is based on the following findings of fact: the application is congruous with the Historic Preservation Commission Design Guidelines, specifically **Section 3.0 Existing Building Subsection, 3.1 Exterior Walls, 3.2 Wood Materials, and 3.4 Windows and Doors.**

**WASHINGTON HISTORIC PRESERVATION COMMISSION**

**Regular Scheduled Meeting – Minutes**

**Tuesday, September 1, 2015**

**7:00 PM**

**Members Present**

Mary Pat Musselman    Stacey Thalmann  
Geraldine McKinley    Ed Hodges  
Seth Shoneman        Judi Hickson  
Monica Ferrari

**Members Absent**

All members present

**Others Present**

John Rodman, Director  
Emily Rebert, Community Development Planner  
Jessica Green, Administrative Support

---

**I. Opening of the meeting**

The Chairman called the meeting to order.

**II. Invocation**

A moment of silence was taken.

**III. Roll Call**

A silence roll call was taken by staff.

Judi Hickson made a motion to accept the agenda. Mary Pat Musselman seconded the motion and all voted in favor.

**IV. Old Business**

**V. Certificate of Appropriateness**

**A. Major Works**

1. A request has been made by Mr. Jim Wiley, acting as agent for Beacon Street, for a Certificate of Appropriateness to construct a new Moss Marina Office structure on lot # 27. The building will be consistent and will match single family residences in the development.

from striping all her wooden siding on all three sides and replacing it with hardi plank. Mr. Stroud stated that the historic district is one of the main economic engines of this community and people do not come here to see the homes covered in hardi plank. Mr. Stroud stated that he did not want the Commission to think that he is a hypocrite because his house has aluminum siding on it. He stated that his house never should have had siding on it. He stated that when he bought the house it was his intent to remove the aluminum siding and restore the wood. He stated that the siding did exactly what the National Park Services tells us, it deteriorates what is beneath it so he had to put the siding back. Mr. Stroud explained that his intent now and has always been to remove that aluminum siding and replace it with wood. Mr. Stroud stated that there is appropriate wood siding that can be bought, you have to pay for it, but there is plenty of it. He stated that the question is if the Commission is going to be able to preserve the streetscape side of the historic homes. He asked the Commission to deny the request.

Jerry Creech came forward and was sworn in. He stated that he is present to also speak against Mr. Griffin's request for the hardi-plank. Mr. Creech stated that it is very important to preserve the streetscape of a house located in the historic district. He stated that recently he had to replace six planks on his house, which is an 1893 house, and he had no objections to going down to Builders First Source. Mr. Creech stated that there is an ample supply there. He applauded the Commission for sticking to their guns and stated that he felt it would be a disservice if the Commission allowed the hardi plank on the front façade. He stated that the front façade should be preserved.

With no others coming forward the Chairman closed the floor.

The Commission discussed the request amongst themselves. Stacey Thalmann stated that she was not on the Commission when the first request was approved and she has a problem with allowing the hardi plank. She asked if she could abstain from the voting. Mr. Rodman stated that she could abstain if she would like, but any none vote goes into the affirmative vote.

Mary Pat Musselman made the following motion: I move that the Historic Preservation Commission deny a Certificate of Appropriateness to Mr. Pat Griffin, to install hardi-plank siding and vinyl windows on the front façade of the structure at 315 West Second Street. This motion is based on the following findings of fact: the application is congruous with the Historic Preservation Commission Design Guidelines, specifically Section 3.0 Existing Building Subsection, 3.1 Exterior Walls, 3.2 Wood Materials, and 3.4 Windows and Doors. Judi Hickson seconded the motion. The Commission discussed amending the motion to allow the vinyl windows. Mary Pat Musselman stated that she did not wish to amend her motion. The motion carried with a 5 to 2 vote with Geraldine McKinley and Seth Shoneman voting in opposition.

5. A request has been made by Pat Griffin to replace the windows with vinyl windows and install 5/8" hardi-plank siding on the front façade of 319 West 2<sup>nd</sup> Street.



Mr. Griffin stated that he didn't think he needed to come forward and add anything for this request. Mr. Rodman came forward and explained that both of the homes are owned by the same family but brother in laws are developing each house. He stated that he spoke with the gentleman who is rehabbing 319 and he informed him that he had the intention of replacing the wood siding with wood. However he would like to ask for the vinyl windows on the second story of his house on the front. Mr. Griffin stated that this was not his understanding. Mr. Rodman stated that since he and Mr. Griffin had conflicting understandings then the Commission probably should continue the request until the actually gentleman doing the rehab could come in person and explained exactly what he wants. Mr. Rodman explained that Mr. Griffin's name is on the application so the Commission can vote on the request that Mr. Griffin is presenting. The Commission decided to go on with the application as submitted by Mr. Griffin.

The Commission discussed the windows further. Geraldine McKinley pointed out the fact that the Commission has allowed vinyl windows in the past and stated that she had a problem with the inconsistency. Mary Pat stated that she felt they should stick to their guns. She stated that it is unfortunate that vinyl windows have been allowed on homes in the past, but it needs to stop.

Mary Pat Musselman made the following motion: I move that the Historic Preservation Commission deny a Certificate of Appropriateness to Mr. Pat Griffin, to install hardi-plank siding and vinyl windows on the front faced of the structure at 319 West Second Street. This motion is based on the following findings of fact: the application is congruous with the Historic Preservation Commission Design Guidelines, specifically Section 3.0 Existing Building Subsection, 3.1 Exterior Walls, 3.2 Wood Materials, and 3.4 Windows and Doors. Her motion was seconded by Monica Ferrari. The motion carried with a 5 to 2 vote with Geraldine McKinley and Seth Shoneman voting in opposition.

6. A request has been made by Ms. Mary Elizabeth Haubenreiser, for a Certificate of Appropriateness to remove a pine tree on the south side of her property located on 188 South Academy Street. The tree's roots are breaking up the concrete driveway.

Ms. Haubenreiser came forward and was sworn in. She explained that she would like to remove a pine tree in her yard. She stated the tree is too close to the property line, the driveway, and the neighbor's garage. Ms. Haubenreiser stated that it has heaved up the driveway over an inch on one side and has cracked it on another side. She stated that the tree is losing its needles. She explained that she was told by Wayne Woolard, who took down another tree in her yard, that the pine trees probably gave way 20 or 30 years ago. She stated that the tree is at the end of its life span and she is afraid that it is going to fall. Ms. Haubenreiser stated that she would gladly replace the tree. Ms. Haubenreiser stated that she would most likely replace it with a small more appropriate tree such as a crept myrtle or dogwood. Monica Ferrari explained that the replacement tree would not have to be planted in the exact same place.

**Patrick Griffin Appeal**  
**Notices of Decision**  
**315-317 & 319 West 2<sup>nd</sup> Street**



## **WASHINGTON HISTORIC PRESERVATION COMMISSION**

Regular Scheduled Meeting - Agenda

Tuesday, October 6th, 2015

7:00 PM

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**I. Opening of the meeting**

**II. Invocation**

**III. Roll call**

**IV. Old Business – Major Works**

1. A request has been made by Ms. Sarah Heekin for a Certificate of Appropriateness to add a four foot high aluminum ornamental fence to enclose the rear property yard located at 144 East Main Street.

**V. Certificate of Appropriateness**

**A. Major Works**

1. A request has been made by Mr. Tim Evans for a Certificate of Appropriateness to do the following at 120 Bridge Street:
  - a. Add six feet of six feet high wooden picket fence between bathroom and storage building.
  - b. Add fourteen feet of six feet high wooden picket fence between storage building and Rich Tattoo Building.
2. A request has been made by Mr. Richard Godley for a Certificate of Appropriateness to construct a new porch and railings to the front of the house to match other houses in the district located at 323 North Bonner Street.

**B. Minor Works**

1. A request has been made and approved by staff for a Certificate of Appropriateness to remove a tree in Bughouse Park, located on Charlotte Street. The tree was struck by lightning and was at risk of damaging historic homes adjacent to it on the street.
2. A request has been made and approved by staff for a Certificate of Appropriateness for the owner of 731 West Main Street (Mr. Richard Smoot) to replace the HVAC unit. No duct work will be altered.

**VI. Other Business**

1. Design Guidelines – Fences
2. Recipients of the Terrell Award
3. Notice of Decision 315 West 2<sup>nd</sup> Street
4. Notice of Decision 319 West 2<sup>nd</sup> Street

**VII. Approval of Minutes – October 6th, 2015**

**VIII. Adjourn**



**COPY**

**DOWNTOWN DEVELOPMENT □ HISTORIC PRESERVATION**

September 21, 2015

Mr. Pat Griffin  
414 Lodge Road  
Washington, NC 27889

RE: Denial - Certificates of Appropriateness  
315-317 and 319 West 2<sup>nd</sup> Street

Dear Mr. Griffin:

The Washington Historic Preservation Commission (HPC) voted on September 1, 2015, to **deny** your request for Certificates of Appropriateness to replace existing windows with vinyl windows and install 5/8" hardi-plank siding on the front facade of the structures located at 315-317 and 319 West 2<sup>nd</sup> Street. The denial was based on the fact that the application was incongruous with Historic Preservation Commission Design Guidelines, specifically Chapter 3.0 Changes to Existing Buildings Section 3.1 Exterior Walls, Section 3.2 Materials and Section 3.4 Windows and Doors.

In order for an application to be reconsidered for a certificate of appropriateness, which has been previously denied, an applicant is allowed to present evidence in support of the facts or conditions that there has been a substantial change in the application to warrant a reconsideration of the application. The Historic Preservation Commission stated that the presentation of new information by the applicant to the Commission would represent a substantial change of circumstance and your request for a Certificate of Appropriateness would be allowed to be heard again. This would require a new application.

I have included your Notice of Decision and a copy of the summary minutes concerning the applications. These items are not official until approved by the Historic Preservation Commission.

If you have any questions or I may further assist you in any way please don't hesitate to let me know.

Sincerely,

John Rodman  
Community and Cultural Services

Cc: Ms. Emily Rebert, Preservation Planner



Historic Preservation Commission  
City of Washington

**DECISION DENYING REQUEST BY BAGWELL REALTY  
FOR A CERTIFICATE OF APPROPRIATENESS  
FOR EXTERIOR CHANGES**

**NOTICE OF DECISION:  
315-317 West 2<sup>nd</sup> Street**

The Historic Preservation Commission for the City of Washington held a public hearing on September 1, 2015 to consider the application by Mr. Pat Griffin, representing Bagwell Realty, for a Certificate of Appropriateness to replace existing windows with vinyl windows and install 5/8" hardi-plank siding on the front facade of the structure located at 315-317 West 2<sup>nd</sup> Street.

Application Received:	08-18-15
Board Members Present:	Mr. Ed Hodges, Chairman, Mr. Seth Shoneman, Ms. Judi , Ms. Monica Farrari, Ms. Geri McKinley, Ms. Stacey Thalman, Ms. Mary Pat Musselman
Board Members Absent:	None
Staff Presentation was made by:	Mr. John Rodman, Planning Director Ms. Emily Rebert, Preservation Planner
Persons Appearing in Support:	Mr. Pat Griffin, Applicant
Persons Appearing in Opposition:	Ms. Dee Congleton, Mr. Don Stroud, Mr. Jerry Creech
Motion:	A motion was made by Ms. Mary Pat Musselman to deny the application by Mr. Pat Griffin, representing Bagwell Realty, for a Certificate of Appropriateness to replace existing windows with vinyl windows and install 5/8" hardi-plank siding on the front facade of the structure located at 315-317 West 2 <sup>nd</sup> Street based on the following Findings of Fact and Conclusions.

Seconded by: Ms. Monica Farrari  
Vote: 5 to 2 to deny request  
Conditions: None

Findings of Fact: As follows:

1. Mr. Pat Griffin, representing Bagwell Realty, made application for a Certificate of Appropriateness to replace existing windows with vinyl windows and install 5/8" hardi-plank siding on the front facade of the structure located at 315-317 West 2<sup>nd</sup> Street in Washington, North Carolina.
2. Said property is zoned B-1H (Business Historic District).
3. The applicant had been approved for a Certificate of Appropriateness by the Historic Preservation Commission to allow vinyl windows and hardi-plank siding on three (3) sides (rear, east & west) of the structure in 2013.
4. The application is incongruous with the Historic Preservation Commission Design Guidelines, specifically:

Chapter 3.0 Changes to Existing Buildings

Section 3.1 Exterior Walls

3.1.1 Historic character-defining wall features should be retained and protected including clapboards, corner boards, cornices, quoins, corbelling and other architectural detailing.

3.1.2 Original walls should be properly maintained and repaired when necessary. If an original wall feature must be replaced due to excessive deterioration or damage, the new feature should match the original in size, profile, material and texture.

Section 3.2 Materials

3.2.1 Preserve and protect character defining wooden architectural features.

## Section 3.4

## Windows and Doors

### 3.4.1

Retain and preserve historic windows and doors. All elements associated with historic windows and doors shall be retained and preserved including frames, trim, sashes, muntins, glass, lintels, shutters and hardware.

**Conclusions:** Based on the evidence presented, and the above Findings of Fact, the Historic Preservation Commission concludes as follows:


1. The application for a Certificate of Appropriateness to replace existing windows with vinyl windows and install 5/8" hardi-plank siding on the front facade of the structure located at 315-317 West 2<sup>nd</sup> Street is therefore **denied** as such.

#### Action:

It is the decision of the Historic Preservation Commission that the Application by Mr. Pat Griffin for a Certificate of Appropriateness for the structure located at 315-317 shall hereby be denied.

#### Appeal:

Any person or persons jointly or severally aggrieved by any decision of the Commission, within thirty (30) days after the filing of the decision rendered by the Historic Preservation Commission in the Department of Planning and Development, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or Chairman of the Commission at the time of its hearing of the case, whichever is later, may appeal the decision of the Commission to the Board of Adjustment, whereupon such decision of the Commission shall be subject to review as provided by law.

  
\_\_\_\_\_  
Authorized Signature, City of Washington





Historic Preservation Commission  
City of Washington

**DECISION DENYING REQUEST BY BAGWELL REALTY  
FOR A CERTIFICATE OF APPROPRIATENESS  
FOR EXTERIOR CHANGES**

**NOTICE OF DECISION:  
319 West 2<sup>nd</sup> Street**

The Historic Preservation Commission for the City of Washington held a public hearing on September 1, 2015 to consider the application by Mr. Pat Griffin, representing Bagwell Realty, for a Certificate of Appropriateness to replace existing windows with vinyl windows and install 5/8" hardi-plank siding on the front facade of the structure located at 319 West 2<sup>nd</sup> Street.

Application Received:	08-18-15
Board Members Present:	Mr. Ed Hodges, Chairman, Mr. Seth Shoneman, Ms. Judi , Ms. Monica Farrari, Ms. Geri McKinley, Ms. Stacey Thalman, Ms. Mary Pat Musselman
Board Members Absent:	None
Staff Presentation was made by:	Mr. John Rodman, Planning Director Ms. Emily Rebert, Preservation Planner
Persons Appearing in Support:	No presentation was made by the applicant
Persons Appearing in Opposition:	None
Motion:	A motion was made by Ms. Mary Pat Musselman to deny the application by Mr. Pat Griffin, representing Bagwell Realty, for a Certificate of Appropriateness to replace existing windows with vinyl windows and install 5/8" hardi-plank siding on the front facade of the structure located at 319 West 2 <sup>nd</sup> Street based on the following Findings of Fact and Conclusions.

Seconded by: Ms. Monica Farrari  
Vote: 5 to 2 to deny request  
Conditions: None

Findings of Fact: As follows:

1. Mr. Pat Griffin, representing Bagwell Realty, made application for a Certificate of Appropriateness to replace existing windows with vinyl windows and install 5/8" hardi-plank siding on the front facade of the structure located at 319 West 2<sup>nd</sup> Street in Washington, North Carolina.
2. Said property is zoned B-1H (Business Historic District).
3. The applicant had been approved for a Certificate of Appropriateness by the Historic Preservation Commission to allow vinyl windows and hardi-plank siding on three (3) sides (rear, east & west) of the structure in 2013.
4. The application is incongruous with the Historic Preservation Commission Design Guidelines, specifically:

Chapter 3.0 Changes to Existing Buildings

Section 3.1 Exterior Walls

3.1.1 Historic character-defining wall features should be retained and protected including clapboards, corner boards, cornices, quoins, corbelling and other architectural detailing.

3.1.2 Original walls should be properly maintained and repaired when necessary. If an original wall feature must be replaced due to excessive deterioration or damage, the new feature should match the original in size, profile, material and texture.

Section 3.2 Materials

3.2.1 Preserve and protect character defining wooden architectural features.

## Section 3.4

## Windows and Doors

### 3.4.1

Retain and preserve historic windows and doors. All elements associated with historic windows and doors shall be retained and preserved including frames, trim, sashes, muntins, glass, lintels, shutters and hardware.

**Conclusions:** Based on the evidence presented, and the above Findings of Fact, the Historic Preservation Commission concludes as follows:

1. The application for a Certificate of Appropriateness to replace existing windows with vinyl windows and install 5/8" hardi-plank siding on the front facade of the structure located at 319 West 2<sup>nd</sup> Street is therefore **denied** as such.

#### Action:

It is the decision of the Historic Preservation Commission that the Application by Mr. Pat Griffin for a Certificate of Appropriateness for the structure located at 319 shall hereby be denied.

#### Appeal:

Any person or persons jointly or severally aggrieved by any decision of the Commission, within thirty (30) days after the filing of the decision rendered by the Historic Preservation Commission in the Department of Planning and Development, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or Chairman of the Commission at the time of its hearing of the case, whichever is later, may appeal the decision of the Commission to the Board of Adjustment, whereupon such decision of the Commission shall be subject to review as provided by law.

  
\_\_\_\_\_  
Authorized Signature, City of Washington

**Patrick Griffin Appeal  
Memorandum of Law  
For Board of Adjustment**

**BEFORE THE CITY OF WASHINGTON  
BOARD OF ADJUSTMENT  
FILE NO.**

**MEMORANDUM OF LAW**

This Memorandum will outline the law on the issues which face the Board of Adjustment ("Board") as it considers the appeal of the decision in this matter. It will give the Board a "bare bones" framework to which it can quickly refer as needed. It is expected that the lawyers for the contending parties will flesh out this skeleton during their presentations.

**FIRST. Procedure.** This appeal is in the nature of certiorari pursuant to N.C.G.S. §160A-400.9 and the City Code provision enacted thereunder. This means that the Board acts as an appellate court to review the decision of the Historic Preservation Commission ("Commission"). The Board will not conduct a new hearing, but will examine the record of the proceedings before the Commission and consider the arguments and briefs of the attorneys. The Board may hear evidence only for very limited purposes such as the following.

1) To present any matters that are not contained in the record, but are necessary to be considered in order to determine whether the procedures specified by law in both statute and ordinance were followed.

2) To present any matters that are not contained in the record, but are necessary to be considered in order to determine whether appropriate due process rights of a petitioner were protected, including the right to offer evidence, cross-examine witnesses, and inspect documents.

Any witness who testifies must do so under oath or affirmation.

I would propose that each side be given the opportunity to make an opening statement. Then the petitioner/appellant can offer any admissible evidence they may have. The respondent/appellant may then offer any evidence they may have. Then each side should be given the opportunity to make closing statements. Each party may reserve some time for rebuttal. When the parties have completed their presentations, the Board will deliberate the matter in open session until it reaches a decision. The Board may seek legal advice and/or guidance from me, but that normally should occur in open session so the lawyers for each party can offer their opinions as well, if appropriate under the circumstances. Once your deliberations begin, the parties and their attorneys

may not speak.

Under N.C.G.S. § 160A-388(e) and the City Code provision enacted thereunder, in order to decide in favor of a petitioner/appellant upon any matter upon which the Board is required to pass under any ordinance, a concurring vote of 4/5ths of your voting members is required to overturn the decision you are reviewing.

**SECOND. Scope of Review.** The Board of Adjustment conducts its hearings of appeals from other boards as quasi-judicial proceedings. *Taylor Home of Charlotte, Inc. v. City of Charlotte, N.C.* 116 N.C. App. 188, 192, 447 S.E.2d 438, 441 (1994) (citing *County of Lancaster, S.C. v. Mecklenburg County, N.C.*, 334 N.C. 496, 434 S.E.2d 604 (1993)). As the “appellate court” the scope of the Board’s review is to:

1. Review the record for errors in law;
2. Insure that procedures specified by law in both statute and ordinance are followed;
3. Insure that appropriate due process rights of a petitioner were protected, including the right to offer evidence, cross-examine witnesses, and inspect documents;
4. Insure that the decision is supported by competent, material and substantial evidence in the whole record; and
5. Insure that the decision is not arbitrary and capricious.

*Allen v. Bd. of Adjustment*, 100 N.C. App. 615, 618-19, 397 S.E.2d 657, 659 (1990) (city *Town and Country Civic Organization v. Winston-Salem Zoning Bd. of Adjustment*, 83 N.C. App. 516, 350 S.E.2d 893 (1986)); accord *Taylor*, 116 N.C. App. at 192, 447 S.E.2d at 441 (citing *Coastal Ready-Mix Concrete Co. v. Bd. of Commissioners*, 299 N.C. 620, 626, 265 S.E.2d 379, 383 (1980)).

Where the appealing party contends that the decision was unsupported by the evidence or was arbitrary or capricious, the trial court (Board) applies the whole record test. The whole record test requires the reviewing court (Board) to examine all competent evidence (the whole record) in order to determine whether the agency (Commission) decision is supported by substantial evidence. The whole record test does not allow the reviewing court (Board) to replace the board’s (Commission) judgment as between two reasonably conflicting views, even though the court (Board) could justifiably have reached a different result had the matter been before it *de novo*. However, if the appealing party contends the decision was based on an error of law, the trial court (Board) employs a *de novo* review. Under a *de novo* review, the Superior Court (Board) considers

the matter anew and freely substitutes its own judgment for the agency's judgment." *Welter v. Rowan County Board of Commissioners*, 160 N.C. App. 358, 585 S.E.2d 472 (2003) (citations omitted).

"Questions involving the interpretation of an ordinance are questions of law. Thus the Superior Court (Board) should have applied *de novo* review to the Board of Adjustment's (Commission) alleged misinterpretation of the ordinance." *Id.* (citations omitted).

Simply stated, "a court (Board) may not substitute its judgment for the board's (Commission) in the absence of error of law, or arbitrary, oppressive, or manifest abuse of authority." *Taylor*, 116 N.C. App. at 193, 447 S.E.2d at 442 (citing *P.A.W. v. Bd. of Adjustment*, 95 N.C. App. 110, 113, 382 S.E.2d 443, 444-45 (1989)). If a board has the authority to make the decision it did and if its findings of fact support its decision, their decision should be affirmed. *Harney v. Mayor and Board . . .*, 229 N.C. 71, 47 S.E.2d 535 (1948).

If the record before you is not sufficient to affirm or reverse the Commission, you should remand the matter to them for further action. If the record is sufficient, then, depending upon the result of your review, you may affirm or reverse its determination and remand the matter back to the Commission for implementation of your decision.